REMARKS

In the Office Action mailed on May 13, 2008 the Examiner rejected claims 1 and 6 under 35 U.S.C. § 101 as being inoperative and lacking utility and claims 1 through 6 under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (hereinafter the "484 patent") in view of Kelly et al. (hereinafter the "918 patent"). Upon entry of the claim amendments set forth above, Claims 1 and 7 remain pending in this application. Claim 1 and 7 are independent. Applicants have withdrawn Claims 2 through 6 without prejudice.

Rejection Under 35 U.S.C. § 101

The Examiner rejected claims 1 and 6 under 35 U.S.C. § 101 as inoperative and lacking utility. Applicants suggest that the Examiner has taken "chapter" to mean something different than intended. Applicants had in mind the meaning of "chapter" as a distinctive period or sequence of events or as used in a relatively lengthy piece of writing, such as a book and not as used in the authoring of optical media. In particular, support for this can be found at, for example, paragraph 24 as in the following:

> *a segment and/or single stage and/or level and/or sample of a video game* is distributed on limited life media. For example, sequels to block buster video games are often highly anticipated. The game developer may wish to develop buzz about the sequel. In this embodiment of the present invention, *a segment and/or single stage and/or level and/or sample of the sequel is distributed on limited life media.* In one embodiment, the segment and/or single stage and/or level and/or sample of the sequel is distributed in limited supply. Further, accomplishing the goals of the segment and/or single stage and/or level and/or sample of the sequel before the media expires allows the end user special status. The special status may include the ability to purchase the sequel a predefined period of time before others and/or a special code stored on a memory device that unlocks and/or confers some unique functionality to this user for the sequel. Alternatively, achieving the goals of the segment and/or single stage and/or level and/or sample of the sequel may qualify the end user for special other promotional items and/or rewards. For example, other promotional items and/or rewards include receiving a newsletter reporting upcoming events, the opportunity to chat electronically with one of the characters from the video game and/or other merchandize, such as, discounts on action figures or other collateral associated with the video game and/or story line of the video game. (emphasis added.)

Claim 1 has been amended to eliminate all reference to "chapter" in order to remove ambiguities and more clearly state what is claimed. Claim 6 has been withdrawn without prejudice.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 through 6 under 35 U.S.C. § 103(a) as being unpatentable over the '484 patent in view of the '918 patent. Claim 1 has been amended. Claims 2 through 6 have been withdrawn without prejudice. Independent claim 7 has been newly added.

Claim 1 claims **a method for playing a video game** wherein the video game is stored **on a limited play optical medium** that includes **a reactive material for limiting the length of time** the **video game is playable** where **the video game** is **a segment and/or single stage and/or level and/or sample** that is **to be played through before** the **playability period ends**. The '484 patent and the '918 patent taken together or alone do not disclose, teach or suggest **a method for playing a video game** wherein the video game is stored **on a limited play optical medium** that includes **a reactive material for limiting the length of time** the **video game is playable** where **the video game** is **a segment and/or single stage and/or level and/or sample** that is **to be played through before** the **playability period ends**. The '484 patent discloses a limited play optical medium but does not disclose the use of such medium in connection with a video game or as an element of a video game. No place in the entirety of the '484 patent disclosure is the phrase "video game" disclosed. The '484 patent is directed to limited play optical medium and not to playing video games or methods of same. The '918 patent discloses a reward system as a result of video game play but does not disclose **a video game segment and/or single stage and/or level and/or sample** stored on a limited play optical medium that is **to be played through before** the **playability period ends**. No place in the entirety of the '918 patent disclosure is the phrase "limited play optical medium" disclosed or the suggestion of completing a game before a "limited play optical medium" expires as part of the game play. Therefore, Applicants submit that claim 1 as amended is distinguishable from the '484 patent and the '918 patent taken together or alone.

Claim 7 claims **a method for marketing a video game** by storing **a video game on a limited play optical medium** that includes **a reactive material that limits the length of time said video game is playable such that the video game becomes unplayable significantly before the video game can be played to conclusion; and selling the video game at a reduced price relative to a standard play optical medium.** The '484 patent and the '918 patent taken together or alone do not disclose, teach or suggest **a method for marketing a video game** by storing **a video game on a limited play optical medium** that includes **a reactive material that limits the length of time said video game is playable such that the video game becomes unplayable significantly before the video game can be played to conclusion; and selling the video game at a reduced price relative to a standard play optical medium.** The '484 patent discloses a limited play optical medium but does not disclose the use of such medium in connection with a video game or as an element of a video game. No place in the entirety of the '484 patent disclosure is the phrase "video game" disclosed or marketing a "video game." The '484 patent is directed to limited play optical medium and not to marketing video games or methods of same. The '918 patent discloses a reward system as a result of video game play but does not disclose **a method for marketing a video game** via **a limited play optical medium.** No place in the entirety of the '918 patent disclosure is the phrase "limited play optical medium" disclosed or the suggestion of marketing a game on a "limited play optical medium" in order to **sell the video game at a reduced price relative to a standard play optical medium** in or to build buzz or desire for the video game. Therefore, Applicants submit that newly added claim 7 is distinguishable from the '484 patent and the '918 patent taken together or alone.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed May 13, 2008. Applicants and the undersigned thank the Examiner for considering these remarks. If the Examiner believes that any issues exist that can be resolved by telephone conference, or that any formalities exist that can be corrected by an Examiner's Amendment, please contact the undersigned at 404.504.7674.

Respectfully submitted,

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